

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of:

HORNACK, Janmarie, et al.

Serial No. :

Filed:

DIETARY SUPPLEMENT CONTAINING
ALKALINE ELECTROLYTE BUFFERS

Docket No. 30900-CTN

Group Art Unit No. _____

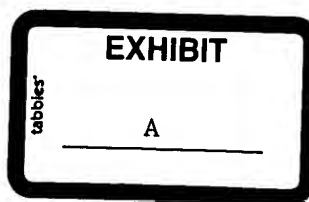
Examiner: _____

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

DECLARATION OF

1. I, Robert E. CARR, am a resident of 714 NE 39th Ter,
KC, MO, 64116.
2. Attached hereto as Exhibit A is a copy of my (resume) or (*curriculum vitae*).
3. I have been advised that Janmarie Hornack, Overland Park, Kansas and Lawrence E. Dorman, Grain Valley, Missouri, the named co-inventors of the above patent application, filed an application Serial No. 09/706-05 under the above title, with this application being a continuation of the '706 application.
4. I have been further advised that the above referenced continuation application describes improved dietary or therapeutic supplements in which a solid dietary and/or therapeutic supplement agent having a pH of 6 or less and chosen from vitamins, bioflavonoids, minerals, trace minerals, whole plant food products containing phytonutrients, herbs and mixtures thereof, is combined with a sufficient amount of an electrolyte additive selected from the group of calcium, magnesium and potassium alkaline electrolytes, to increase



the pH of the combined ingredients to a pH of from about 8 to about 12.5, which increases the bioavailability and effectiveness of the agent in the person's stomach.

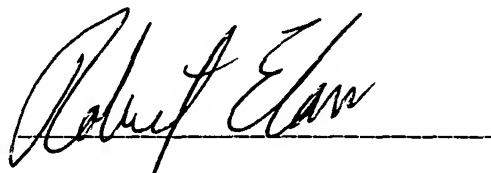
5. I have reviewed the Declaration of Janmarie Hornack dated August 6, 2002, and attachments Exhibits A and B to her Declaration. Ms. Hornack in her notebook entry reports adding a sufficient amount of a magnesium, calcium and/or potassium electrolyte to seven bioavailable nutrients, each of which had a pH below 6, thereby increasing the pH of the combination to at least 8.
6. It is my understanding from Ms. Hornack's Declaration the inventors discovered that by adding a selected electrolyte to acidic solid dietary and/or therapeutic supplement agents having a pH of 6 or less to increase the pH of the combination to a level such that the pH of the supplement is at an ideal pH of about 8 to about 12.5, two synergistic phenomena occur. As a consequence, the agent in the composition is more absorbable and more rapidly and efficiently digested in the cardio fundic portion of the individual's stomach. The majority of the agent is digested within a shorter time with less pH fluctuation caused by the composition ingested than would otherwise be the case, if the agent remained acidic. Furthermore, incorporation of a critical amount of the electrolyte factors in the composition provides for an improved intracellular/extracellular transfer rate of the dietary and/or therapeutic supplement agent, contributing to the increased bioavailability and effectiveness of the supplement agent.
7. I have given consideration to the subject matter of claim 1 of the Hornack/Dorman continuation application, which I understand reads as follows:

An improved dietary and/or therapeutic supplement composition consisting essentially of, in combination:

- a solid dietary and/or therapeutic supplement agent selected from the group consisting of water soluble vitamins, bioflavonoids, minerals, trace minerals, whole plant food products containing phytonutrients, herbs, and mixtures of the foregoing that are known to promote health and well being and each having a pH of 6 or less which upon ingestion with food or a beverage would limit the availability of the agent to the person ingesting the agent; and
- an electrolyte additive selected from the group consisting of calcium, magnesium and potassium alkaline electrolytes, a sufficient amount of the alkaline additive being provided in combination with the agent to raise the pH of the combination to a level of from about 8 to about 12.5 and enough electrolytes to improve bioavailability at cellular levels upon ingestion of the supplement composition thereby increasing the effectiveness and utilization of the agent in the person's body.

8. I am of the opinion it would be obvious to one skilled in this art from a review of the Hornack notebook entry, Exhibit B to the Hornack Declaration, that the same improved results would be obtained with obvious variations and adaptations of the specific dietary and/or therapeutic supplement agents recorded by Ms. Hornack in Exhibit B of her declaration, such as the acidic water soluble vitamins, bioflavonoids, minerals, phytonutrients and herbs recited in the claim language of paragraph 7 above.
9. I further declare that all statements made herein of my own knowledge are true and all statements made on information and belief are believed to be true, and further that these statements were made with the knowledge that wilful, false

statements and the like are punishable by fine or imprisonment, or both, under § 1001 of Title 18 of the United States Code.

A handwritten signature in black ink, appearing to read "Robert A. Elam", written over a horizontal line.

Signature

Robert E. Carr

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About our President

Bob Carr grew up in a small Missouri town that later grew to a suburb of Kansas City. In that area Bob was always around agriculture of one type or another and from a young age he was fascinated by farm life. Helping his friends and neighbors milk cows, plant corn and harvest in the fall, he grew up knowing that his future would somehow be linked to farm life.

Bob spent lots of time in the city too. He was really excited by the wealth of knowledge that Kansas City had to offer someone interested in agriculture. Between the time he spent at the Linda Hall Library and working over at Farmland Industries as a student helper, he was always learning new ways to approach problems on the farm.

Then Bob went to the best school in the state for an Ag student, The University of Missouri at Columbia and studied Food Science and Nutrition. It was probably one of the best times of his life and he continues to use resources from the school in his work today.

After graduating, Bob went to work for a biotechnology manufacturer for five years and then moved to a second company in that field. After over 12 years working for others, Bob felt ready to open Biokinetic Research. Today many farmers, turf managers, product manufacturers, greenhouse growers and wastewater treatment engineers rely on Bob and his expertise and staff to solve the difficult problems faced. In addition to consulting to find solutions to the problems, Biokinetic Research produces the products needed and teaches the applications.

Bob can be relied upon for biological and nutritional interactivity science questions. And the companies staff is always there to assist when you need it most.